

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

**ORDER FOR SETTLEMENT
AND DISMISSAL**

Case No. 12-cv-537

**OCTANE BAR & GRILL LLC d/b/a
OCTANE BAR & GRILL; MICHAEL A.
OSBORNE, individually and as a member of
OCTANE BAR & GRILL LLC; and
KELLIE J. OSBORNE, individually and as
a member of OCTANE BAR & GRILL LLC.,**

Defendants.

WHEREAS, the plaintiff, **JOE HAND PROMOTIONS INC.**, by its attorney, Peter S. Balistreri, and the defendants, **OCTANE BAR & GRILL LLC d/b/a OCTANE BAR & GRILL, MICHAEL A. OSBORNE**, individually and as a member of **OCTANE BAR & GRILL LLC**, and **KELLIE J. OSBORNE**, individually and as a member of **OCTANE BAR & GRILL LLC.**, by their attorney, Karl A. Schmidt, have agreed to settle the above matter;

WHEREAS, the defendants need time to pay the settlement;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The defendants shall pay to the plaintiff the total sum of \$3,000.00 in settlement of the case on the following terms:

- (a) \$1,000.00 on or before November 1, 2013;
- (b) \$1,000.00 on or before December 1, 2013; and
- (c) \$1,000.00 on or before January 1, 2014.

Said payments shall be made payable to Dubin & Balistreri, Ltd. Client Trust Account and sent to Dubin & Balistreri, Ltd., 1551 North Prospect Avenue, Milwaukee, WI 53202.

2. Should the Defendants fail to make a scheduled payment on or before the day for which such payment is due, Plaintiff shall have the right, upon the filing of an affidavit of default, without notice to the Defendants, to reopen this matter and take judgment against the defendants in the amount of \$6,000.00 plus costs less any payments which have been made pursuant to this Stipulation. Plaintiff's acceptance of one or more late payments by the defendants shall not constitute a waiver of Plaintiff's rights under this Stipulation.

3. Upon full and final payment of this Stipulation, the Plaintiff shall provide a Release for any and all claims arising from the pleadings alleged in this case.

4. The above captioned matter shall be dismissed as to the defendants, **OCTANE BAR & GRILL LLC d/b/a OCTANE BAR & GRILL, MICHAEL A. OSBORNE**, individually and as a member of **OCTANE BAR & GRILL LLC**, and **KELLIE J. OSBORNE**, individually and as a member of **OCTANE BAR & GRILL LLC.**, without prejudice and without further costs to either party.

Dated at Madison, Wisconsin this 24th day of October, 2013.

BY THE COURT:



Stephen L. Crocker
U.S. Magistrate Judge